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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES CARLIN,

No. C 06-4145 SI

Petitioner,

**ORDER GRANTING MOTION FOR
APPOINTMENT OF COUNSEL**

v.

ROBERT WONG, Acting Warden,

Respondent.

Petitioner has filed a motion for appointment of counsel to represent him in this action.

Petitioner has submitted a declaration stating that he is unable to prepare court pleadings. Petitioner has also submitted the declaration of Margaret Littlefield, an attorney employed by the Law Offices of Michael Satris. Ms. Littlefield states that her office assisted petitioner with several state petitions for writs of habeas corpus, and filed the instant petition as well as the opposition to respondent's motion to dismiss. Littlefield states, *inter alia*, that it is her opinion that petitioner is not able to adequately present his legal claims to the Court. Littlefield also states that she or Michael Satris would be available for appointment in this case should the Court decide to appoint counsel.

A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987).

The Court finds that petitioner's claims raise complex legal issues, and that petitioner is unable to financially retain counsel. Accordingly, the Court GRANTS petitioner's motion for appointment of

1 counsel, and APPOINTS Margaret Littlefield as petitioner's counsel. (Docket No. 16). Petitioner shall
2 file a traverse on or before **April 30, 2007**.

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4 **IT IS SO ORDERED.**

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6 Dated: April 3, 2007

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Susan Illston

SUSAN ILLSTON
United States District Judge